

BILL NO. 89-73

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 89-73

Introduced by Council President Hardwicke at the request of the County Executive

Legislative Day No. 89-37 Date December 12, 1989

AN ACT to repeal and to re-enact with amendments Subsection A-3, heading Chesapeake Bay Critical Area Management Program of Section 169-1, heading Adoption; Legal Status, of Chapter 169, heading, Master Plan of the Harford County Code, as amended to provide for certain changes to the Land Use Management Area maps and to Subsection E, Growth Allocation Procedures contained in Chapter 2 of the Management Program, and to further provide that the Chesapeake Bay Critical Area Management Program, along with the amended Land Use Management Area Maps and all other maps and appendices which are attached hereto and made a part hereof as though it were fully stated herein, remains in all other respects unchanged.

By the Council, December 12, 1989

Introduced, read first time, ordered posted and public hearing scheduled
on: January 9, 1990

at: 7:00 P.M.

By Order: Doris Poulsen, Secretary

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on January 9, 1990, and concluded on, January 9, 1990

Doris Poulsen, Secretary

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

BILL NO. 89-73

The Secretary of the Council does hereby certify that fifteen (15) copies of this Bill are immediately available for distribution to the public and the press.

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Doris Poulsen, Secretary

1 Section 1. Be It Enacted By The County Council of Harford County,
2 Maryland, that Subsection A(3), heading Chesapeake Bay Critical Area
3 Management Program of Section 169-1, heading, Adoption Legal Status
4 of Chapter 169 heading Master Plan of the Harford County Code as
5 amended, be, and it is hereby repealed and re-enacted with
6 amendments, all to read as follows:

7 Chapter 169. Master Plan.

8 Section 169-1. Adoption; Legal Status.

9 A. Incorporation by reference. The Master Plan, along with
10 maps and appendixes, is incorporated herein by reference as part of
11 this Chapter as though it were fully stated herein, and the Master
12 Plan is hereby declared to be the official County Master Plan.

13 [(3) Chesapeake Bay Critical Area Management Program. The
14 attached Chesapeake Bay Critical Area Management Program, along with
15 all maps and appendices is incorporated herein by reference as part
16 of this chapter as though it were fully stated herein, and the
17 Chesapeake Bay Critical Area Management Program is hereby declared
18 to be part of the official Harford County Master Plan.]

19 (3) CHESAPEAKE BAY CRITICAL AREA MANAGEMENT PROGRAM. THE
20 ATTACHED CHESAPEAKE BAY CRITICAL AREA MANAGEMENT PROGRAM, AS
21 AMENDED, ALONG WITH ALL MAPS AND APPENDICES INCLUDING THE AMENDED
22 LAND USE MANAGEMENT AREA MAPS IS INCORPORATED HEREIN BY REFERENCE AS
23 PART OF THIS CHAPTER AS THOUGH IT WERE FULLY STATED HEREIN, AND THE
24 CHESAPEAKE BAY CRITICAL AREA MANAGEMENT PROGRAM IS HEREBY DECLARED
25 TO BE PART OF THE OFFICIAL HARFORD COUNTY MASTER PLAN.

26 Section 2. And Be It Further Enacted that this Act shall take
27 effect sixty (60) calendar days from the date it becomes law.

EFFECTIVE: March 12, 1990.

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E. Growth Allocation Procedures:

1. Amount of Area Available for Growth Allocation:

As noted above, development in the Resource Conservation Area (RCA) is limited to a density of 1 unit/20 acres. However, since this is a severe restriction on development, the Criteria included a provision for allowing some additional growth in undeveloped areas. An amount of land equal to 5% of the total amount of land designated as RCA (less any areas that are designated as tidal wetlands) can be developed at a higher density than would otherwise be allowed by the Criteria - one half of which can be located in areas designated as RCA and the other half in areas designated as LDA. In Harford County, 6174 acres have been designated as RCA, including 137 acres within the corporate limits of Havre de Grace. If the tidal wetland areas are subtracted (622 acres; including 27 acres within Havre de Grace) this allows a growth allocation of 278 acres - 139 acres of which is available for more intense development than would otherwise be allowed in LDA's.

It should also be noted that any alteration of the areas designated as RCA by the construction of facilities that are approved by the State rather than the local government, (i.e. power plants) will not be counted against a County's growth allocation.

2. Factors Guiding Growth Allocation Decisions:

The Criteria contain the following guidelines relating to growth allocation:

- New Intensely Developed Areas should be located in Limited Development Areas or adjacent to existing Intensely Developed Areas;
- New Limited Development Areas should be located adjacent to existing Limited Development Areas or Intensely Developed Areas;
- No more than one half of the allocated expansion shall be located in Resource Conservation Areas;
- New Intensely Developed Areas and Limited Development Areas should be located in order to minimize impacts to Habitat Protection Areas and in an area and in a manner that optimizes benefits to water quality;
- New Intensely Developed Areas should be located where they minimize their impacts to the defined land uses of the Resource Conservation Area;
- New Intensely Developed Areas and Limited Development Areas in the Resource Conservation Area should be

located at least 300 feet beyond the landward edge of tidal wetlands or tidal waters.

In evaluating applications for growth allocations in Harford County, the following policies and site specific factors will be considered in making any allocation awards:

General Policies

- a. In order to preserve opportunities for further growth in Harford County's Critical Area, the maximum amount of growth allocation that will be granted in any one year is as follows:

1989 - 60 acres

1990 and thereafter - 40 acres

- b. Due to the unique nature of the growth allocation process, and in order to maximize opportunities for a variety of projects with the greatest public benefits, growth allocation awards shall only be made to projects which can substantiate that the initiation of substantial construction can occur within 24 months of receiving the award. Subject to the review and approval of the Zoning Administrator, a maximum of two, six-month extensions may be granted for extenuating circumstances beyond all reasonable control of the applicant. Initiation of substantial construction shall be defined as being the point at which public infrastructure improvements have been approved and are 75% or more complete in their construction within the first phase and building permits have been issued and foundation work complete on a minimum of 5% of the units in the first phase of an approved project.

Inability to meet these time requirements may be grounds for a revocation of any allocation, with the acreage involved to be returned to the total allocation available to the County.

- c. Due to the need to preserve opportunities for the future development of publicly owned park and recreation facilities within the Critical Area which may require a growth allocation, a minimum of 30 acres of the total allocation available shall be reserved exclusively for such public recreational uses.
- d. In acknowledgement of the responsibility that the County has under the Critical Area Program to insure some continued opportunity for the expansion of the City of Havre de Grace within the Critical Area, a minimum of 20 acres of the total allocation available to the County for upgrade from RCA to other land use designations shall be reserved for the City for a time period of 5 years. At the end of this 5 year

period, if any of this acreage has not been utilized, the acreage shall be returned to the total acreage available for growth allocation in other areas of the County. All other policies and site-specific factors outlined in this program shall also apply to the review of growth allocations within the City of Havre de Grace.

- e. Due to the need to insure that any projects receiving a growth allocation shall be developed as originally represented by the applicants in the Critical Area Assessment Reports, all allocation awards shall comply with such conditions of approval as determined by the County for each project or suffer revocation of their growth allocation award.

Specific Factors

- a. The amount of forested area and other vegetative cover that is left undisturbed and thus retains its value for wildlife habitat and water quality protection.
- b. Additional public benefits that will be provided by the development, such as provision of public access facilities or acceleration of the provision of public water and sewer to areas with existing health problems (financial contribution to construction of sewerage treatment plant or associated facilities), etc.
- c. Use of "innovative" site design and construction design features to minimize the disturbance of natural areas and reduce the potential impacts on Habitat Protection Areas and adjacent RCA areas. These features could include, but are not limited to:
 - 1. the use of cluster development,
 - 2. the use of shallow-marsh creation stormwater management measures,
 - 3. the use of buffer areas to minimize impacts on existing habitats and wildlife corridors and protect adjacent natural and developed areas from impacts of the proposed development,
 - 4. the use of permeable paving surfaces to minimize the creation of impervious surface areas,
 - 5. the use of appropriate landscaping plans and materials to enhance the establishment of vegetated areas on the project site.
- d. Strict compliance with the guidelines for growth allocation listed in the Criteria will generally be required. However, the requirement for a 300 foot buffer may be reduced by the Zoning Administrator.

- e. Since the Criteria require that the amount of forest land located in areas designated as Resource Conservation Areas and Limited Development Areas not be reduced (and when possible, increased), all projects given a growth allocation will have to replace all forest areas removed on a one-to-one basis. If such replacement is not feasible, an in-lieu fee per square foot of area cleared will have to be paid to the County at the then prevailing rate.
- f. Since adverse impacts on water quality from such projects are to be minimized, pollutant loading from projects granted growth allocation will have to be maintained at pre-development levels, and in the case of new Intensely Developed Areas reduced 10% from pre-development levels.
- g. In addition, development on slopes greater than 15% as measured before development, will be prohibited.
- h. Development will only be allowed on soils having development constraints if it includes mitigation measures that adequately address the identified constraints and if it will not have significant adverse impacts on water quality or plant, fish, or wildlife habitat.

Consideration will also be given as to whether the County was formally contacted regarding proposed development on a site that is proposed for growth allocation prior to December 1, 1985.

3. Approval Process:

In order for the County to adequately evaluate requests for growth allocations, the information required for concept plan or preliminary plan approval in the Critical Area (as appropriate) must be submitted and accompanied by a statement by the applicant on how the proposed development addresses the policies and factors noted above.

All project requests will be given an initial review for the completeness and adequacy of the application materials, and applicants will be notified within thirty days of the sufficiency/insufficiency of their applications. Applicants will be encouraged to consult informally with the staff of the Department of Planning and Zoning regarding the adequacy of their proposal prior to its formal submittal.

Applications for growth allocation will be considered an amendment to the land use management area boundaries shown on the overlays to the County tax maps. Such applications will be reviewed on an annual basis with applications to be submitted by January 1st and the County Council to take final action by July 1st. Such growth allocation will be reviewed by the Department of Planning and Zoning and then

forwarded to the Planning Advisory Board for their review and action. The Board shall then transmit their recommendation to the County Council for final local action by the Council after holding a public hearing.

All growth allocation amendments approved by the Council shall be forwarded to the Critical Areas Commission within thirty (30) days of the Council's final action. No amendment shall be considered final pending action by the State of Maryland Critical Areas Commission.

Any area proposed for annexation by a municipality where the proposed use on the parcel requires a change in the land use management area (i.e., RCA to LDA or IDA, etc.) shall be subject to the above approval process for growth allocation requests.

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BY THE COUNCIL

BILL NO. 89-73

Read the third time.

Passed LSD 90-2 (January 9, 1990)

Failed of Passage

By Order

Doris Poulsen, Secretary

Sealed with the County Seal and presented to the County Executive
for his approval this 10th day of January, 1990
at 3:00 o'clock P.M.

Doris Poulsen, Secretary

APPROVED:



BY THE EXECUTIVE

[Signature]
County Executive

Date 1-11-90

BY THE COUNCIL

This Bill, (No. 89-73) having been approved by the Executive
and returned to the Council, becomes law on January 11, 1990.

Doris Poulsen, Secretary

EFFECTIVE DATE: March 12, 1990

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